

DELEGATED ASSESSMENT

Application no: PA/2024/1070

Proposal: Planning Permission to demolish existing outbuilding and erect an annex

Location: 1 Cornwall Street, Kirton In Lindsey, Gainsborough, DN21 4PP

Applicant/ Agent: Jon Ciconi/ Thomas Slater

Officer: Chris Clark

POLICIES

North Lincolnshire Local Plan:

DS1 – General Requirements
DS5 – Residential Extensions
SPG1 – Design Guidance for House Extensions
HE2 – Development in Conservation Areas
HE5 – Development affecting listed buildings
T2 – Access to Development
T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire
CS2 – Delivering more Sustainable Development
CS3 – Development Limits
CS5 – Delivering Quality Design in North Lincolnshire
CS6 – Historic Environment

National Planning Policy Framework:

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 12 - Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Town and Country Planning Act 1990:

Schedule 7A – Biodiversity Net Gain in England

Housing and Employment Land Allocations Development Plan Document (2016):

Inset 27 – Kirton in Lindsey

CONSULTATIONS

LLFA Drainage Team: The LLFA Drainage Team has no objections or comments to the proposed development.

Highways: Looking at the submitted information the proposal is to demolish an existing outbuilding and erect an annexe none of the proposed works seem in impact on the parking provision provided within the site, so with this in mind Highways have no objections to this planning application.

Kirton in Lindsey Town Council: Kirton in Lindsey Town Council have reviewed the information which forms this application and support the proposals put forward.

Environmental Protection:

The application for residential development is a sensitive end use. This department would therefore recommend the inclusion of the following condition:

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason: To protect human health

Conservation:

Initial Comment:

The proposal site is in a rear yard space to 1 Cornwall Street. The existing outbuilding is c.19th century constructed of red brick and pantile. Approaching the site along St. Andrew's Street the proposal building is a visible feature which marks the boundary of Kirton's conservation area.

Under Paragraph 200 of the NPPF, applicants are required to produce an assessment of significance of any heritage assets affected, including contribution made by their setting. Such a statement should be proportionate to the significance of those assets and be sufficient enough to understand the potential impacts of the proposal on their significance.

Notwithstanding the lack of any heritage assessment being provided with this application, on visiting the area on 19th September, it is noted that approaching towards the Church of St. Andrew, the proposal building is not directly in the view of the highly listed church. Whilst it figures indirectly here, its appearance must respect the character of the conservation area. In this view, it is noted based on the proposed drawings that there would be no harm to the view and by extension setting

of the church. In the return view towards the proposed building along St. Andrew's Street, the extended building would be more noticeable than the existing building, this would be exacerbated by the addition of larger French door style openings, but most visually distracting would be the use of the large external porch.

It is considered the porch element and the 2 no roof lights on the front elevation would not preserve the character or appearance of the conservation area. Within reason the new building here should as far as reasonably possible retain a more ancillary and subservient character to the parent building of 1 Cornwall St. A large porch would be a highly domestic feature at odds with this and as such cause less than substantial harm to the appearance of the conservation area.

It is noted the French door style openings would be somewhat domestic however these are not out of keeping with the existing size of openings within the existing buildings and subject to securing details of this external joinery work would be a neutral addition.

Revised Comment:

These comments relate to submission of a heritage statement in support of the application.

It is noted that a previous permission could be implemented that would see installation of roof lights here, which is accepted however this does not prevent a new application from a new assessment. If the authority is minded it should ensure any roof lights are flush fitting with the roofline of the development.

The agent has provided multiple examples of external projecting porches on properties within Kirton in Lindsey. Whilst this may be the case, these examples all appear to be dwelling houses or have always been dwelling houses bearing no relationship to the building proposed for replacement here.

The proposal is for the loss of an outbuilding, ancillary in character and non-domestic. Its replacement whilst it will be a residence should maintain the ancillary and non-domestic character avoiding over domestication as far as is reasonable, otherwise it would not preserve the appearance or character of the conservation area and would be at odds with section 72 Planning (Listed Buildings and Conservation Areas) Act 1990.

The "precedents" provided have no relation to this particular building and do not justify the inclusion of a feature alien in character to the existing building undermining the attempt of the design to otherwise respect the character and form of the building being lost.

An objection is maintained to this application until a revision is made to omit this feature. The proposal would give rise to less than substantial harm to the conservation area, which is a designated heritage asset.

The planning officer should take note of the statutory requirement for the LPA to preserve or enhance conservation areas, local plan policies HE2 and CS6 and NPPF

paragraphs 212, 215 and 216.

PUBLICITY

The proposal has been advertised by means of a press notice and a site notice which was displayed on the 10/10/2024. This is in accordance with the LPAs statutory duty set out under article 15 of the Development Management Procedure Order 2015.

Comments Received: 1 comment was received raising concerns around the annex providing more parking difficulties and being converted into a holiday let.

PLANNING HISTORY

	[app_num]	[proposal]	[decision]	[decision_date]
1	PA/2014/0409	Planning permission to erect a detached dwelling (including the demolition of existing outbuildings)	Approve with Conditions	06/08/2014
2	PA/2022/430	Planning permission to install a new dormer roof to the rear, make internal alterations to the dwelling, and to replace the existing garden outbuilding	Approve with Conditions	24/05/2022

It is noted that although each planning application is assessed individually and to its own merits, both of the applications above included works to the outbuildings so are highly relevant. Specifically, PA/2014/0409 which sought permission for the demolition of the outbuilding and erection of a much larger outbuilding was approved with conditions. Additionally, PA/2022/430, which sought permission for an outbuilding of a similar scale to the one proposed here, was also approved with conditions. Importantly, it should be noted that whilst the permission granted through PA/2014/0409 has expired, the permission granted through PA/2022/0409 is still extant and could be implemented on the site. However, this proposal (PA.2024/1070) differs from PA/2022/0430 as it is for a residential annex where as PA/2022/0430 was for a sunroom, gym and store.

MATERIAL PLANNING CONSIDERATIONS

Site Description

The proposal is within the Development limits of Kirton In Lindsey and is positioned on unallocated land within the HELADPD. The site is within Flood Zone 1, the category least at risk to flooding. However, the proposal's site is within a conservation area and the grade 1 listed building, Church of St Andrew is located around 20m to the east of the boundary of the property. The grounds of the church, which are positioned directly across the highway from the property are also designated an area of amenity importance (LC11) in the NLLP.

The property is a 2 storey end of terrace house located on Cornwall Street, Kirton in Lindsey. The front elevation of the property faces east, fronting the highway and the rear elevation faces west, with a rear garden and 2 existing outbuildings, which line the rear boundary, behind this. It is also noted that the northern boundary of the property fronts a highway, St Andrew's Street and as a result, the garden and outbuilding is visible from the street scene.

Proposal

The proposal is to demolish an existing outbuilding to the southern side of the western boundary of the rear garden and to erect a brick annex, which will adjoin to the south of existing outbuilding to the northern half of the western boundary of the rear garden. The site plan provides that the annex will be located directly to the south of the existing outbuilding and will line the eastern boundary of the rear garden. The plans provide that the annex will have a width of 5.7m and a length of 9.9m. The plans also provide that the external walls will be made from a mix of natural limestone and red brick, the roof will be constructed of natural red pantiles with rooflights and the windows and doors will be constructed from wood to approved profiles. The plans provide that internally, the annex will house a bedroom with an ensuite and an open plan lounge/ study area. The agent has also provided a heritage statement which provides that the annex will be used entirely ancillary to the enjoyment of the property as a single dwellinghouse.

Principle of Development

Planning law indicates that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises of the policies of the North Lincolnshire Core Strategy (NLCS), the saved policies of the North Lincolnshire Local Plan (NLLP) and the Housing and Employment Land Allocations DPD (HELADPD).

Policy CS3 from the NLCS provides that development limits will be defined in development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. Conversely, it follows that land within these limits are deemed to have capacity for future development based on existing and proposed infrastructure, on its access to facilities and services and levels of public transport. The development limits are defined in the Housing and Employment Land Allocations Development Plan Document (HELADPD). The site is located within the development boundary of Kirton Lindsey, where in principle residential development and residential extensions are considered to be acceptable in principle.

Policy DS5 from the NLLP outlines that planning applications for residential extensions will be allowed providing that the proposal does not unreasonably reduce sunlight, daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. It further provides that proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Assessment:

The proposal is located within the development limits of Kirton in Lindsey. The principle is therefore supported by the development plan and policy CS3. Moreover, the proposal constitutes a residential extension and is therefore further supported in principle by policy DS5.

However, it should be noted that this 'in principle' position is subject to compliance with the technical and environmental issues and relevant policies outlined below, which constitute material considerations in the determination of planning applications.

Design and Impact upon the Character of the Area, Conservation Area and Listed Building(s)

Policy CS5 of the Core Strategy states that all new development in North Lincolnshire should be well designed and appropriate for their context. It also outlines how developments should contribute to creating a sense of place, with the policy stating that design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area, not being acceptable.

Policy CS6 of the NLCS aims to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved and enhanced in order that they continue to make an important contribution to the area's scene and the quality of life for local people. It follows that in determining proposals for development affecting sites and areas of historic and built heritage value, a key consideration will be the need to ensure that development does not affect their character and setting but respects and enhances them.

Policy DS1 of the Local Plan seeks to ensure that proposals are sympathetic in design, scale and materials to the existing dwelling and its neighbours and seeks that materials and finishes do not contrast markedly with those of the original building or neighboring properties.

Policy DS5 of the Local Plan provides design criteria for new residential extensions and the erection of garages, and generally seeks to ensure proposals are in keeping with their surroundings. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed provided that such proposals are sympathetic in design, scale and materials to the existing dwelling, and should not use materials or finishes which contrast markedly with those of the original building or neighbouring properties.

Policy HE2 of the NLLP sets out how development proposals in, or which affect the setting of, Conservation Areas should preserve or enhance the character and appearance of the area and its setting. It outlines that new developments should preserve or enhance scene and should not detract from important existing spaces and views.

Policy HE5 of the NLLP outlines how the council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. It follows that the Council will encourage the retention and restoration of the historic setting of listed buildings. It further explains that proposals which damage the setting of a listed building will be resisted.

Chapter 12 of the NPPF encourages that proposals should demonstrate well-designed place-making. The NPPF goes on to say 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

Chapter 16 of the NPPF encourages proposals to encourage and enhance the historic environment. Specifically, Paragraph 215 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Assessment:

In terms of an assessment of the impact of the proposal upon the existing dwelling, the application provides that the proposed materials used in the roof, walls and windows will match or be very similar in appearance to the main dwellinghouse. This is not only sympathetic to the existing property but more, to the character of the area, with uniform materials used being a feature throughout the terrace houses on Cornwall Street. It should also be noted that the proposal would match the outbuilding in terms of materials. It is also noted that as the proposal will be positioned to the rear of the property and has only a single story, it would appear subservient in scale to the original property. It should also be noted that as the proposal will not infringe on the driveway adjoining to St Andrew's Street, the existing landform and vehicular access to the garage will also not be negatively impacted.

In terms of an assessment upon the character of the area, it is relevant to reiterate here that the proposal is both situated within a conservation area and very close to the site of a grade I listed building, St Andrew's Church. Consequently, the council's heritage officer raised concerns relating to this proposal. Whilst originally, the conservation officer objected to the French doors, roof lights and porch; following provision of a heritage statement from the applicant, their only remaining concerns relate to the porch. It should be noted that this new consideration has also been substantially aided by the existence of roof lights and French doors on the extant permission granted, subject to conditions, via PA/2022/430.

In terms of more detail upon the withheld objection relating to the porch, this is due to how the new annex would appear over domesticated and at odds with other outbuildings in the area, causing less than substantial harm to the conservation area. Although following further discussions with the agent, they have outlined further mitigatory factors, they have also provided a revised scheme whereby the porch is removed. Given that the conservation officers' concerns remain without the removal of the porch and how this less than substantial harm has not been outweighed by any public benefits of the proposal, as outlined in paragraph 215 of the NPPF, permission shall only be granted for the revised plans without the porch. This conclusion is further compounded by how although a large portion of the proposal would be screened from view of the street scene by the 1.75m wall to the west and the existing single storey outbuilding to the north, the porch will remain visible from all north easterly points in St Andrew's Street. For the same reason, a condition for the roof lights to be positioned flush to the roof, will also be recommended. This condition together with the standard plans condition which specifies the materials to be used including hardwood windows and doors in/on the proposed annex will

ensure the character and appearance of the Conservation Area is preserved and the setting of St Andrew's Church (Grade 1 Listed Building) will also be preserved. the proposal will align with policies HE2, HE5 of the NLLP, policy CS6 of the CS and Chapter 14 of the NPPF.

The Impact upon the Residential Amenity

Policy DS1 of the local plan states that no unacceptable loss of amenity to neighbouring land uses should result from new developments. Such impacts are designated to be related to noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy DS5 of the Local Plan provides design criteria for residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. It also states that development should not cause overshadowing as a result of the height and depth of the extension blocking daylight and sunlight, particularly in the case of two storey extensions located on or close to the boundary.

Paragraph 135 of the NPPF (Section 12) indicates that planning policies and decisions should ensure that, amongst other requirements, developments create places which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Document SPG1 for Residential Extensions outlines the depths and heights of residential extensions that are considered to not impact any undue loss of light to adjacent properties.

Assessment:

It is relevant to note here that no comments of objection relating to residential amenity impacts have been received from any neighbors.

It is also noted that as the floor plans outline that the building will be used as an annex It is therefore unlikely that any demonstrable increased noise, smell, fumes, dust or other nuisance will result directly from this development.

In terms of distinguishing neighboring properties likely to be impacted by this proposal, there are no neighboring dwellinghouses within 15m in all directions of the outbuilding. As a result of this, and how the proposal will be single storey, there will be no overbearing, overshadowing, loss of light or loss of privacy imparted on any neighboring properties as a result of this proposal. This is further aided by how the boundary treatment to the rear and to the south, lining the boundary adjoining with number 3's garden, will provide further screening.

In summary, no impacts related to noise, smell, fumes, dust or other nuisance will come as a result of this proposal as the use is the same: residential. Additionally, for

the reasons stated above, overshadowing, overbearing, loss of light or loss of privacy to adjacent dwellings are also considered negligible. Consequently, in regard to residential amenity, this proposal satisfies DS1 and DS5 of the NLLP and Chapter 12 of the NPPF.

Ecology

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) provides that every grant of planning permission should be subject to the condition that the biodiversity gain objective is met, further subject to exemptions. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Householder applications, including small projects like home extensions, conservatories or loft conversions are exempt from Biodiversity Net Gain legislation under the aforementioned Act.

Assessment:

This proposal constitutes a householder application and is therefore exempt from 10% BNG legislation.

Highways/ Other matters:

Policy T2 requires all new development to have a satisfactory access.

Policy T19 outlines that to minimise the detrimental effects might otherwise arise, developments which result in additional parking need shall incorporate proposals to fully meet that demand.

Assessment:

One comment of objection was received raising concerns around the annex being converted into a holiday let and consequently, more parking demand being created. Having assessed the plans, alongside the heritage assessment, it is clear that the annex will be incidental in use (will not be self-sufficient) and will have a functional connection to the main dwelling (e.g. the occupant will be a dependent relative of the residents of the main dwelling). Conditions will be recommended to ensure that the annex remains ancillary to the main dwellinghouse on the site. Compounding this, the council's highways officer has been consulted and holds no objections. As a result of this, subject to conditions it is considered to align with policy T2 and T19 within the local plan. As a result, concerns over car parking and use of the building as a holiday let have been addressed in this report and within the recommended planning conditions. The proposal therefore aligns with policies T2 and T19 of the NLLP .

Conclusion

1.

The development must be begun before the expiration of three years from the date

of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Proposed Plans – A0003-0-C

Site Location Plan, Existing and Proposed Block Plans – A0001

Reason

For the avoidance of doubt and in the interest of proper planning.

3.

The proposed annex hereby approved shall be used only in association with, and ancillary to, the occupation of the existing dwelling at 1 Cornwall Street, and shall not be used as a separate dwelling unit.

Reason

To prevent the establishment of a separate unit of residential accommodation without appropriate standards of open space, access, and parking space, which would be contrary to policies DS1 and T2 of the North Lincolnshire Local Plan.

4. Before any above ground works take place on the site, the roof lights hereby permitted shall be installed so that they are flush with the main roof. A full specification of the rooflights to be installed in the annex including the materials and colour/staining shall be submitted to the LPA for approval. Thereafter only the approved scheme shall be installed on the building.

Reason

To protect the character of the area, in accordance with policies HE2, HE5 and DS1 of the NLLP.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 39 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.